

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- X
JAMES DONALDSON, et al., :
Plaintiffs, :
: 18-cv-07442-LDH-JO
v. :
HSBC HOLDINGS PLC, et al., :
Defendants. :
----- X

STIPULATION AND [PROPOSED] ORDER

The Moving Defendants,¹ through their counsel, and Plaintiffs, through their counsel, hereby stipulate and agree as follows:

WHEREAS a Complaint was filed against certain of the Moving Defendants in matter 14 Civ. 06601 (DLI-CLP) ("Freeman") on November 10, 2014;

WHEREAS the Court entered an order staying discovery in *Freeman* on January 16, 2015, ECF No. 37;

WHEREAS the Moving Defendants named in the Complaint in *Freeman* filed a motion to dismiss the Complaint in *Freeman* on November 10, 2016, ECF No. 120 (the "Motion to Dismiss");

WHEREAS the Hon. Cheryl L. Pollak, United States Magistrate Judge, issued a Report and Recommendation on July 27, 2018, ECF No. 165 (the "R&R") recommended that Moving

¹ The Moving Defendants are HSBC Holdings plc; HSBC Bank plc; HSBC Bank Middle East Limited; HSBC Bank USA, N.A.; Barclays Bank PLC; Standard Chartered Bank; The Royal Bank of Scotland N.V. (f/k/a ABN AMRO Bank N.V.); Credit Suisse AG; Commerzbank AG; and Deutsche Bank AG.

Defendants' motion to dismiss be denied;

WHEREAS the Moving Defendants named in the Complaint in *Freeman* filed objections to the R&R on August 31, 2018, ECF No. 174, which the District Court has not ruled on;

WHEREAS Plaintiffs filed a Complaint against certain of the Moving Defendants in the above-captioned matter ("*Donaldson*") on December 28, 2018, indicating that the Complaint in *Donaldson* is potentially related to *Freeman*; and

WHEREAS the parties, having met and conferred, agree in the interest of efficiency and judicial economy to stay all proceedings in *Donaldson* with respect to the Moving Defendants until 30 days after the District Court rules on the Motion to Dismiss in *Freeman*, and further agree that after the stay is lifted, service on the Moving Defendants with judicial process in *Donaldson* in the manner provided by Federal Rule of Civil Procedure 4 will not be required;

IT IS HEREBY STIPULATED BY AND BETWEEN the undersigned counsel as follows:

1. The undersigned parties agree that all proceedings in *Donaldson* with respect to the Moving Defendants, including service of the Complaint, should be stayed until 30 days after the District Court rules on the Motion to Dismiss in *Freeman* and that any time limit for service on the Moving Defendants shall not be deemed to begin to run until that date.

2. The Moving Defendants agree that upon termination of the stay, service on the Moving Defendants with judicial process in *Donaldson* in the manner provided by Federal Rule of Civil Procedure 4 will not be required as service on the Moving Defendants will be deemed effective as of that date.

3. The Moving Defendants further agree not to challenge venue in this District in this action.

4. The Moving Defendants otherwise retain all defenses and objections in

Donaldson, except for defenses and objections based on a defect in the summons or in the service of the summons in *Donaldson*. The defenses and objections that the Moving Defendants hereby retain include, but are not limited to, defenses and objections related to personal jurisdiction.

5. Following any ruling by the District Court on the Motion to Dismiss in *Freeman*, the parties will confer in good faith regarding the most fair and efficient way to proceed in light of such ruling, with all parties' rights in this regard fully reserved.

IT IS FURTHER STIPULATED BY AND BETWEEN the undersigned counsel that except as provided above, nothing in this stipulation shall waive any right or defense of any party, all of which rights and defenses are expressly reserved.

Dated: February 27, 2019

BARON & BUDD, P.C.

by

Laura J. Baughman

Laura J. Baughman
Thomas Sims
Russell Budd
3102 Oak Lawn Avenue, Suite 1100
Dallas, Texas 75219
(214) 521-3605
lbaughman@baronbudd.com
tsims@baronbudd.com
rbudd@baronbudd.com

Attorneys for the *Donaldson* Plaintiffs

THE DRISCOLL FIRM, P.C.

by

John J. Driscoll
John J. Driscoll
Christopher Quinn
Paul Johnson
One Metropolitan Square
211 N. Broadway, 40th Floor
St. Louis, Mo. 63102
(314) 932-3232

Attorneys for the *Donaldson* Plaintiffs

(Pro hac vice application forthcoming)

SULLIVAN & CROMWELL LLP

by



Michael T. Tomaino, Jr.
Jeffrey T. Scott
Jonathan M. Sedlak
125 Broad Street
New York, NY 10004
(212) 558-4000
tomainom@sullcrom.com
scottj@sullcrom.com
sedlakj@sullcrom.com

Attorneys for Defendant Barclays Bank PLC

MAYER BROWN LLP

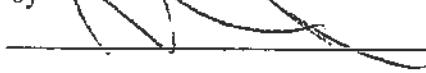
by

Mark G. Hanchet
Robert W. Hamburg
1221 Avenue of the Americas
New York, NY 10020-1001
(212) 506-2500
mhanchet@mayerbrown.com
rhamburg@mayerbrown.com

*Attorneys for Defendants HSBC Holdings plc,
HSBC Bank plc, HSBC Bank Middle East
Limited, HSBC Bank USA, N.A.*

CLEARY GOTTLIEB STEEN &
HAMILTON LLP

by



Jonathan I. Blackman
Carmine D. Boccuzzi, Jr.
Avram E. Luft
One Liberty Plaza
New York, NY 10006
(212) 225-2000
jblackman@cgsh.com
cboccuzzi@cgsh.com
aluft@cgsh.com

Attorneys for Defendant Commerzbank AG

SULLIVAN & CROMWELL LLP

by

Sharon L. Nelles
125 Broad Street
New York, NY 10004
(212) 558-4000
nelless@sullcrom.com

*Attorney for Defendant Standard
Chartered Bank*

SULLIVAN & CROMWELL LLP

by

Michael T. Tomaino, Jr.
Jeffrey T. Scott
Jonathan M. Sedlak
125 Broad Street
New York, NY 10004
(212) 558-4000
tomainom@sullcrom.com
scottj@sullcrom.com
sedlakj@sullcrom.com

Attorneys for Defendant Barclays Bank PLC

MAYER BROWN LLP

by

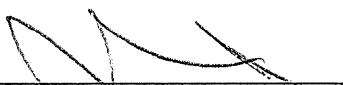


Mark G. Hanchet
Robert W. Hamburg
1221 Avenue of the Americas
New York, NY 10020-1001
(212) 506-2500
mhanchet@mayerbrown.com
rhamburg@mayerbrown.com

*Attorneys for Defendants HSBC Holdings plc,
HSBC Bank plc, HSBC Bank Middle East
Limited, HSBC Bank USA, N.A.*

CLEARY GOTTLIEB STEEN &
HAMILTON LLP

by

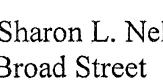


Jonathan I. Blackman
Carmine D. Boccuzzi, Jr.
Avram E. Luft
One Liberty Plaza
New York, NY 10006
(212) 225-2000
jblackman@cgsh.com
cboccuzzi@cgsh.com
aluft@cgsh.com

Attorneys for Defendant Commerzbank AG

SULLIVAN & CROMWELL LLP

by



Sharon L. Nelles
125 Broad Street
New York, NY 10004
(212) 558-4000
nelless@sullcrom.com

*Attorney for Defendant Standard
Chartered Bank*

SULLIVAN & CROMWELL LLP

by

Michael T. Tomaino, Jr.
Jeffrey T. Scott
Jonathan M. Sedlak
125 Broad Street
New York, NY 10004
(212) 558-4000
tomainom@sullcrom.com
scottj@sullcrom.com
sedlakj@sullcrom.com

Attorneys for Defendant Barclays Bank PLC

MAYER BROWN LLP

by

Mark G. Hanchet
Robert W. Hamburg
1221 Avenue of the Americas
New York, NY 10020-1001
(212) 506-2500
mhanchet@mayerbrown.com
thamburg@mayerbrown.com

*Attorneys for Defendants HSBC Holdings plc,
HSBC Bank plc, HSBC Bank Middle East
Limited, HSBC Bank USA, N.A.*

CLEARY GOTTLIEB STEEN &
HAMILTON LLP

by

Jonathan I. Blackman
Carmine D. Boccuzzi, Jr.
Avram E. Lufi
One Liberty Plaza
New York, NY 10006
(212) 225-2000
jblackman@cgsh.com
cboccuzzi@cgsh.com
alufi@cgsh.com

Attorneys for Defendant Commerzbank AG

SULLIVAN & CROMWELL LLP

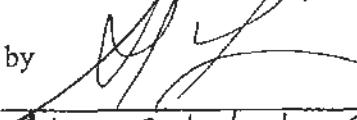
by

Sharon L. Nelles
125 Broad Street
New York, NY 10004
(212) 558-4000
nelless@sullcrom.com

*Attorney for Defendant Standard
Chartered Bank*

MAYER BROWN LLP,

by


Alex C. Lakatos (pro hac vice
Marc R. Cohen

Alex C. Lakatos
1999 K Street, N.W.
Washington, DC 20006
(202) 263-3000
mcohen@mayerbrown.com
alakatos@mayerbrown.com

Attorneys for Defendant Credit Suisse AG

CLIFFORD CHANCE US LLP,

by

Robert G. Houck
Michael G. Lightfoot
31 West 52nd Street
New York, NY 10019-6131
(212) 878-8000
robert.houck@cliffordchance.com
michael.lightfoot@cliffordchance.com

Katie Barlow
2001 K Street NW
Washington, DC 20006-1001
(202) 912-5000
Katie.Barlow@cliffordchance.com

*Attorneys for Defendant The Royal Bank of
Scotland N.V. (formerly known as ABN
AMRO Bank N.V.)*

MAYER BROWN LLP,
by

Marc R. Cohen
Alex C. Lakatos
1999 K Street, N.W.
Washington, DC 20006
(202) 263-3000
mcohen@mayerbrown.com
alakatos@mayerbrown.com

Attorneys for Defendant Credit Suisse AG

CLIFFORD CHANCE US LLP,
by 

Robert G. Houck
Michael G. Lightfoot
31 West 52nd Street
New York, NY 10019-6131
(212) 878-8000
robert.houck@cliffordchance.com
michael.lightfoot@cliffordchance.com

Katie Barlow
2001 K Street NW
Washington, DC 20006-1001
(202) 912-5000
Katie.Barlow@cliffordchance.com

*Attorneys for Defendant The Royal Bank of
Scotland N.V. (formerly known as ABN
AMRO Bank N.V.)*

COVINGTON & BURLING LLP

by



John E. Hall
Mark P. Gimbel
The New York Times Building
620 Eighth Avenue
New York, New York 10018
(212) 841-1000
jhall@cov.com
mgimbel@cov.com

David M. Zions
One City Center
850 Tenth Street NW
Washington, DC 20001
(202) 662-6000
dzions@cov.com

Attorneys for Defendant Deutsche Bank AG

IT IS SO ORDERED, this ____ day of _____, 2019:

LaShann DeArcy Hall
United States District Court Judge